

**REMARKS**

The abstract has been amended in response to Examiner's objection. The abstract has been shortened so that it contains less than 150 words.

Examiner indicated that original claims 5-8 are objected to but would be allowable if rewritten to include all of the limitations of their base claim(s). Accordingly, this has been done with new claims 11-14, that have been added which include all of the limitations of each claim's corresponding base claims. Additionally old claims 5-8 are made dependent to the amended claim 1, with clarifying amendments made to claims 5 and 6. This has lead to adding 3 independent claims to the original one (1), making 4 independent claims, for which an additional fee of \$43.00 is due. Please charge this amount (\$43.00) to deposit account no. **50-1693** in the name of CeramOptec Industries, Inc. in addition to extension fee authorized in the amendment letter.

As mentioned above claims 1, 4 have been amended to address the clarity issues raised by Examiner. The amendments made to these claims are consistent with Examiner's suggestions.

Examiner contends that claims 1-3 and 9 are anticipated by Neeffe (US 4,971,433) Neeffe describes a contact lens that changes the color of the eye. A dye and a white, light reflecting compound is added to the iris area of the compound. The opaque region is limited to the iris area, and would not be evident to a third party unless that third party was familiar with the color of the user's eye prior to wearing the lens. Examiner contends that the color change of the iris is visible to a third party. This is impractical for the present invention, as it would not be evident to those looking unless they were aware of the user's eye color prior to wearing the lenses.

The present invention, as described by the clarified claims, provides a laser safe contact lens featuring distinctive markings located at an area outside the iris, such as at the periphery of the lens. Such markings are shown in Examples 1-3. This is distinct from Neeffe, which restricts it opaque, color-changing region to the area over the iris. Claim 1 has been amended to emphasize this feature. Thus, for this reason, Neeffe does not anticipate nor make obvious claims 1-3 and 9.

Claims 1-3 and 9 are also rejected by Examiner as being anticipated by Hoffman (US 5,617,154), which describes a light absorbing contact lens that is tinted with colorants that transmits 500-700 nm light but filters out UV and blue light. A central tinted portion is designed to overlay the pupil to prevent a portion of visible light from entering the pupil, and "has a diameter substantially equal to or greater than the average diameter of a pupil upon constriction of the pupil under high-intensity light intensity conditions." (col. 15, line 5) The central tinted portion is only utilized for filtering, and does not have utility for identification purposes when worn. This central tinted portion, although visible when removed from the eye, would not be easily recognizable to an outside person when worn, as the majority or all of the tinted portion overlays the pupil. In contrast, the present invention features identification areas located substantially on the areas of the eye surrounding the pupil and iris. Because of the white color of this area of the eye, the identification markings of the present invention are easily visible when worn. Thus, because of these differences between Hoffman and the present invention, Hoffman does not anticipate nor make obvious claims 1-3 and 9 of the present invention.

Claims 1-3, 9 and 10 are rejected by Examiner as being anticipated by Nielsen (US 6,059,775, which describes a corneal shield that blocks laser energy during sculpting operations to correct vision.

Nielsen describes an optical shield for use during corneal surgery to protect certain areas of the cornea from the applied radiation. Specific regions are provided that block the radiation, so that radiation can affect the cornea only in desired areas. The "barrier or corneal mask . . . can be constructed so that one or more of the sections thereof functions as a sculpting barrier . . ." (col. line 15) The barrier may be one or more concentric (or non-concentric) rings on the corneal mask. There are significant differences between the corneal shield described by Nielsen and the contact lens described in the present invention. The Nielsen shield only provides partial protection to the eye. In all embodiments, selected portions of the shield allow the "harmful" radiation to impact the cornea. The Nielsen shield must necessarily allow at least a portion of the eye to be exposed to the applied radiation. In contrast, the present invention provides complete protection to all

Reply to the Office Action dated 3/29/2004

exposed surfaces of the eye. The lens of the present invention features means to protect the eye from specific wavelengths that uniformly cover the lens, which is necessary for the present invention to be able to carry out its safety functions. Furthermore, it is the added features of the present invention's lens, namely providing identification of wearing them and the category of protection provided which clearly go beyond any teaching or implication in Nielsen. For this reason, Nielsen does not anticipate nor make obvious claims 1-3, 9 and 10 as now stated.

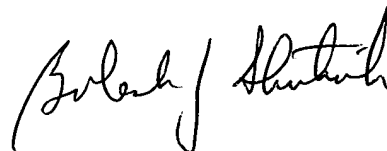
Lastly, examiner rejected claim 4 as being unpatentable over Neefe or Hoffman in view of Rawlings (US 5,120,121). Applicant disagrees, as all of these references limit the colored section to the area of the iris, in contrast to presently amended claim 1 and its dependent claim 4. For example, Rawlings discloses a cosmetic contact lens "comprising an open sclera portion, a decorative iris portion and an open pupil portion." (col. 1, line 10) Further, because these lenses only serve to change the color of the iris, and offer no other identification means, none would provide an effective identification means visible to others while the lens is worn. As stated above, unless the previous color of the user's eyes was known, there is no way to tell whether the user is wearing the lens. Thus, because the combination of these references does not disclose or suggest all of the limitations of claim 4, this claim is not made obvious by their combination or alone.

With these changes and remarks it is believed that the disclosure is now in condition for allowance. Reconsideration is respectfully requested. An early and favorable response is earnestly solicited. Thank you.

Dated: July 23, 2004

CeramOptec Industries, Inc.  
515 Shaker Road  
East Longmeadow, MA 01028  
Phone: (413) 525-8222

Respectfully submitted,



Bolesh J. Skutnik, PhD, JD  
Reg. No. 36,347  
Attorney for Applicants

Fax: (413) 525-0611